

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

THE HONOURABLE MADAM

)

TUESDAY, THE 7<sup>th</sup>

JUSTICE DIETRICH

)

DAY OF JULY, 2020

B E T W E E N:

**MARSHALLZEHR GROUP INC.**

Applicant

- and -

**FERNWOOD DEVELOPMENTS (ONTARIO) CORPORATION**

Respondent

APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c.B-3, AS AMENDED, AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c.C.43, AS AMENDED

**ORDER**

**THIS MOTION**, made by RSM Canada Limited, in its capacity as Court-appointed receiver (the “**Receiver**”) of the property, assets and undertakings of the Respondent, was heard this day virtually via Zoom videoconference as a result of the COVID-19 crisis.

**ON READING** the Notice of Motion and the First Report of the Receiver dated June 30, 2020 (the “**First Report**”) and the appendices thereto, and on hearing the submissions of counsel for the Receiver and such other counsel in attendance on the videoconference,

1. **THIS COURT ORDERS** that the time for service of the Receiver's Notice of Motion and Motion Record is hereby abridged and validated, and the manner of service of the Notice of Motion and Motion Record is hereby validated, so that this motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that the First Report, and the conduct and activities of the Receiver described therein, be and are hereby is approved.

3. **THIS COURT ORDERS** that the Receiver is hereby authorized to pay the sum of \$76,807 to Simcoe Standard Condominium Corporation No. 420 in connection with the condominium liens and outstanding common expenses owed for the Fernwood Owned Units (as defined in the First Report) since December 1, 2019.


4. **THIS COURT ORDERS** that the sale process described in the First Report (the "**Sale Process**"), be and is hereby approved. The Receiver is authorized to perform its obligations under and in accordance with the Sale Process and to take such further steps as it considers necessary or desirable in carrying out the Sale Process.

5. **THIS COURT ORDERS** that the Receiver's Interim Statement of Receipts and Disbursements for the period from February 12, 2020 to June 15, 2020 attached as Appendix "U" to the First Report be and is hereby approved.

6. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its independent counsel, Paliare Roland Rothstein Rosenberg LLP, as described in the First Report, the Fee Affidavit of Arif Dhanani sworn June 30, 2020 attached as Appendix "V" thereto and the

Fee Affidavit of Sarita Sanasie sworn June 30, 2020 attached as Appendix "W" thereto, be and is hereby approved.

7. **THIS COURT ORDERS** that, notwithstanding Rule 59.05, this order is effective from the date it is made, and it is enforceable without any need for entry and filing. In accordance with Rules 77.07(6) and 1.04, no formal order need be entered and filed unless an appeal or motion for leave to appeal is brought to an appellate court. Any party may nonetheless submit a formal order for original, signing, entry and filing, as the case may be, when the Court returns to regular operations.

  
\_\_\_\_\_

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

PROCEEDING COMMENCED AT  
TORONTO

**ORDER**

**CHAITONS LLP**

5000 Yonge Street, 10th Floor  
Toronto, Ontario M2N 7E9

**Sam Rappos** (LSO No. 51399S)

Tel: (416) 218-1137

Fax: (416) 218-1837

E-mail: samr@chaitons.com

**PALIARE ROLAND ROSENBERG ROTHSTEIN LLP**

35th Floor, 155 Wellington St. W.  
Toronto, ON M5V 3H1

**Jeff Larry** (LSO No. 44608D)

Tel: (416) 646-4330

Fax: (416) 646-4301

Email: jeff.larry@paliareroland.com

**Lawyers for RSM Canada Limited  
Court-appointed Receiver**